



Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM:

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NW

THROUGH:

LINDA M. EDWARDS, AICP, PLANNING SERVICES MANAGER
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MEETING DATE: AUGUST 7, 2013

SUBJECT:

Z13-17 LAYTON LAKES PARCELS 11, 13, AND 15: REQUEST TO AMEND ORDINANCE NO. 1328 AND TO AMEND CONDITIONS OF DEVELOPMENT IN THE LAYTON LAKES PLANNED AREA DEVELOPMENT (PAD) FOR PARCELS 11, 13 AND 15 AS FOLLOWS: REDUCE FRONT YARD SETBACKS IN THE SINGLE FAMILY - 10 (SF-10) ZONING DISTRICT (PARCEL 13 ONLY), INCREASE THE ALLOWABLE LOT COVERAGE FOR 1-STORY HOMES IN THE SINGLE FAMILY - 10 (SF-10) ZONING DISTRICT (PARCEL 13 ONLY), AND INCREASE LOT COVERAGE FOR 2-STORY HOMES AND INCREASE LOT COVERAGE FOR 1-STORY HOMES IN THE SINGLE FAMILY - 7 (SF-7) ZONING DISTRICTS (PARCEL 11 AND 15 ONLY). THE EFFECT OF THE REZONING AMENDMENT WILL BE TO INCREASE LOT COVERAGE IN PARCELS 11, 13 AND 15 AND DECREASE MINIMUM FRONT YARD SETBACK REQUIREMENTS FOR PARCEL 13.

STRATEGIC INITIATIVE:

Community Livability

Allow for a diversity of housing product types, development standards, lot layout and lot sizes adjacent to existing residential uses.

RECOMMENDED MOTION

FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND TO COUNCIL THAT IT APPROVE Z13-17, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.

APPLICANT/OWNER

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BACKGROUND/DISCUSSION

History

March 20, 2001	Town Council approved A00-07 and Z00-21 (Ordinance #1328), to annex the 543 acres of the Layton Lakes site and rezone with a PAD including Residential Design Guidelines, from County zoning to Town of Gilbert SF-6, SF-7, SF-8, SF-10 SF-15 and SF-D zoning districts.
May 3, 2006	Planning Commission approved S05-22 the Preliminary Plat for Layton Lakes Phase 2, Parcels 11, 12, 13, 14 and 15.

Overview

The request is specifically for Layton Lakes Parcels 11, 13, and 15, in order to amend Ordinance No. 1328 and the conditions of development within the Layton Lakes Planned Area Development (PAD) for approximately 105.6 acres of real property generally located at the southeast corner of Lindsay Road and Queen Creek Road, consisting of approximately 39 acres of Single Family - 10 (SF-10) zoning district (Parcel 13), and 66.6 acres of Single Family-7 (SF-7) zoning district (Parcel 11 and Parcel 15).

The request is to amend the conditions of development as follows: change the front yard setbacks from 25' and 30' to 15' and 20' in the Single Family - 10 (SF-10) zoning district (Parcel 13). The effect of the rezoning amendment will be to increase the allowed lot coverage in Parcels 11, 13 and 15 and decrease the minimum front yard setback requirements for Parcel 15.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Category	Existing Zoning
North	Residential > 2-3.5 DU/AC	Queen Creek Road and then Single Family 7 and Single Family 8 PAD – Layton Lakes PAD Phase 1
South	Residential > 2-3.5 DU/AC	Unincorporated Maricopa County –

		Rural 43
East	Residential > 2-3.5 DU/AC	Single Family 7 and Single Family 8 PAD – Vista Dorada Subdivison
West	City of Chandler – Layton Lakes PAD	Lindsay Road then City Chandler portion of the Layton Lakes PAD, zoned residential
Site	Residential > 2-3.5 DU/AC	Single Family – Detached PAD

Requests for Parcel 11 and Parcel 15 (SF-7): Lot Coverage:

The request under Z13-17 specifically for Parcel 11 and Parcel 15 in the SF-7 PAD zoning district of Layton Lakes Phase 2, consists of a request to allow 42% maximum lot coverage for 2-story homes and 47% for 1-story homes; where 40% 2-story and 45% for 1-story homes are the maximum allowed under Ordinance #1328 for the Layton Lakes PAD. This request from the applicant applies to the primary dwelling unit and is not as a result of a demand to allow increased lot coverage for accessory, open-air structures only but could also be used for open air structures. The request is a result of newly proposed “NEXT GEN” homes by Lennar.

Staff notes that the recent approval of Ordinance #2433 for “open air accessory structures” and the Zoning Administrator’s formal interpretation of the ordinance (attachment #6) allows for existing master planned communities with PAD’s to utilize the open air accessory structures ordinance by right, which would apply to this scenario in Layton Lakes PAD without any other additional rezoning requests. However, the applicant must still request the additional lot coverage for Parcels 11 and 15, as the open air accessory structures ordinance applies to open air structures (covered patios) in excess of the base development standards including a minimum of 80 sq. ft. (8’x10’) covered patio. Any open air structures in excess of the minimum LDC requirement of an 8’x10’ (80 sq. ft.) back patio cover would then be able to count towards the extra 5% permitted above the base lot coverage, approved under Ordinance #2433.

The applicant notes that the proposed plans within Parcels 11 and 15 of Layton Lakes Phase 2, would still exceed the base lot coverage of 45%/ 40%, precipitating the need for the current request of 47%/ 42% maximum lot coverage. Staff notes that if the request were to be approved, an additional 5% of lot coverage for open air accessory structures would still be able to be utilized by any proposed plans on Parcels 11 and 15. The following are the current SF-7 development standards per Ordinance #1328 and the applicant’s request:

Existing and Proposed Development Standards Table (SF-7):

Layton Lakes Phase 2: Parcel 11 and 15 Only (SF-7)	Existing Standards (Ord. #1328)	LDC Development Standards; SF-7 (Table 2.105)	Applicant’s Proposed Request (Differences in Bold)
Front Setback	15’*/ 20’	15’/ 20’	15’*/ 20’
Side Setback	5’**/ 10’	5’/ 10’	5’**/ 10’
Rear Setback	20’	20’	20’
Lot Coverage	45% 1-story 40% 2-story	45% 1-story 40% 2-story	47% 1-story 42% 2-story

**/ **Permitted with Diverse Housing Product defined as 1) side entry garages; 2) detached garages; and 3) forward livable area (which include covered porch, patio or walled courtyard).*

Staff is not supportive of the request for an increase in lot coverage for Phase 2, Parcels 11 and 15, in the SF-7 zoning district for a request to allow 42% for 2-story homes and 47% for 1-story homes; where 40% 2-story and 45% for 1-story homes are the maximum allowed under Ordinance #1328 for the Layton Lakes PAD. Staff believes that the current lot coverage requirements (45%/ 40%) are what all SF-7 zoned property has to comply with under the current LDC and that the “open air accessory structures” ordinance can be utilized for additional lot coverage by the home builder within Layton Lakes PAD.

Requests for Parcel 13 (SF-10): Lot Coverage & Front Setback:

The request under Z13-17 specifically for Parcel 13 in the SF-10 PAD zoning district of Layton Lakes Phase 2, consists of a request to allow up to 45% maximum lot coverage for 1-story homes only; where 40% is the maximum allowed for both 1-story and 2-story homes under Ordinance #1328 for the Layton Lakes PAD. 40% lot coverage for 2-story homes would continue to be the maximum allowed as is permitted under the LDC. This request from the applicant applies to the primary dwelling unit and is not as a result of a demand to allow increased lot coverage for open air accessory structures only but could also be used for open air structures. The request is a result of newly proposed “NEXT GEN” homes by Lennar. Staff believes this request to allow up to 45% lot coverage for 1-story homes only is a justifiable request as the current LDC allows 45% lot coverage in the SF-10 zoning district for 1-story homes.

Additionally, within Layton Lakes Phase 2, Parcel 13 only, the applicant is requesting a reduction of the required front yard setbacks for the SF-10 PAD zoning district. Currently under Ordinance #1328 for the Layton Lakes PAD the required front setback is 25’ for side entry garages only and 30’ for all other housing/ design types such as front facing garages. The applicant is requesting a 15’ front setback for side entry garages only and a 20’ setback for all other housing/ design types.

The applicant is proposing to allow a 15’ front setback for “diverse housing products” only (as defined under Ordinance #1328) such as side entry garages, detached garages, or forward livable area (which includes covered porches, patio or walled courtyard); and a 20’ front setback for all other housing type such as forward facing garages in the SF-10 zoning district.

Staff notes that the current Land Development Code (LDC) in the SF-10 zoning district allows 20’ for side entry garages, detached garages and requires 25’ for standard front facing homes. As such, the applicant is requesting more of a reduction in the front setback than both the current Layton Lakes Ordinance (#1328) and the current LDC for the SF-10 zoning district allow.

The applicant notes that this request would allow Lennar to maximize the amount of backyard area for homes that back to Lindsay Road and Layton Lakes Blvd. The applicant states that all the homes requested by Lennar for Parcel 13 would be limited to 1-story homes. However there is no limitation on 2-story homes with this request; as such this request could be applied for 2-story homes as well unless specifically requested or required. The following are the current SF-10 development standards per Ordinance #1328 and the applicant’s request:

Existing and Proposed Development Standards Table (SF-10):

Layton Lakes Phase 2: Parcel 13 Only (SF-10)	Existing Standards (Ord. #1328)	LDC Development Standards; SF-10 (Table 2.105)	Applicant's Proposed Request (Differences in Bold)
Front Setback	25'*/ 30'	20' / 25'	15' / 20'
Side Setback	5'**/ 10'	10'	5'**/ 10'
Rear Setback	30'	30'	30'
Lot Coverage	40% 1-story 40% 2-story	45% 1-story 40% 2-story	45% 1-story 40% 2-story

**25' front setback in the SF-10 zoning district permitted with side entry garages only under Ordinance #1328.*

***Permitted with Diverse Housing Product defined as 1) side entry garages; 2) detached garages; and 3) forward livable area (which include covered porch, patio or walled courtyard).*

Staff is supportive of the request for additional lot coverage (45% for 1-story only) in SF-10 zoning district of Phase 2, Parcel 13 of Layton Lakes; as 45% for 1-story homes is the maximum permitted under the SF-10 zoning district of the LDC today.

Staff is not supportive of the request for reduction in the front yard setback in the SF-10 PAD zoning district of Phase 2, Parcel 13 of the Layton Lakes PAD to 15'/20' rather than 25'/30' as permitted under Ordinance #1328. Staff believes that a more justifiable and supportable request would be to reduce the front setback to be what is permitted under the SF-10 zoning district of the current LDC which would allow 20' / 25'. The applicant notes that these setbacks of the current LDC of 20' / 25' would not help to facilitate the proposed plans by Lennar on the SF-10 lots of Parcel 13 with the requirement for a 3' stagger as is required by the LDC and Ordinance #1328.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has received no comment from the public.

SCHOOL DISTRICT COMMENTS

This plan is consistent with the General Plan and therefore the School District has no comments, as the number of lots will remain the same as previously approved.

CONFORMANCE WITH GENERAL PLAN

The existing zoning categories on the subject site, subdivision layout and design, and the number of lots have not changed from what was previously approved on the subject site of Layton Lakes Phase 2.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

SUMMARY

Staff does not support the request to reduce the minimum front setback to 15’ for “diverse housing product” and 20’ for all other housing/ design types in the Layton Lakes Phase 2, Parcel 13 only for the SF-10 zoning district. Staff instead is support of and recommends approval of a reduced front setback to 20’/ 25’ as permitted under the current LDC in the SF-10 zoning district.

Staff is also not supportive of and recommends denial of the request to increase the maximum lot coverage to 47% for 1-story homes and 42% for 2-story homes in the Layton Lakes Phase 2, Parcels 11 and 15 only for the SF-7 zoning district,

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, the Santan Character Area, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be coordinated with existing and planned development of the surrounding areas, staff recommends the Planning Commission recommend approval to the Town Council for Z13-17 Layton Lakes parcels 11, 13, and 15: request to amend Ordinance No. 1328 and to amend conditions of development in the Layton Lakes Planned Area Development (PAD), subject to the following conditions:

1. The Zoning Exhibit and Development Plan shall be in substantial conformance with Exhibit 4 and Exhibit 5, as amended to reflect the conditions below.
2. The maximum lot coverage for 1-story homes shall be 45% in the Layton Lakes Phase 2, Parcel 13 only for the SF-10 zoning district.
3. The minimum front setbacks shall be 20’/ 25’ in the Layton Lakes Phase 2, Parcel 13 only for the SF-10 zoning district as currently permitted under the LDC.

4. The maximum lot coverage shall remain unchanged for 1-story homes and shall be 45% and for 2-story homes shall 40% in the Layton Lakes Phase 2, Parcels 11 and 15 for the SF-7 zoning district, as currently permitted under Ordinance #1328.

Respectfully submitted,



Nathan Williams
Planner II

Attachments:

1. Notice of Public Hearing Map
2. Aerial Photo
3. Project Narrative (7 pages)
4. Development Plan
5. Zoning Exhibit
6. Ordinance #2433 – “Open Air Accessory Structures” (4 pages)